

SALES AND EXCHANGES

CHAPTER 540

SENATE BILL NO. 2389
(Parker, Todd)

TRANSIENT MERCHANTS' LICENSE FEES

AN ACT to create and enact a new section to chapter 51-04 of the North Dakota Century Code, relating to exceptions to the requirement of a transient merchant's license; and to amend and reenact section 51-04-03 of the North Dakota Century Code, relating to the licensing fee for transient merchants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 51-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Exceptions to requirement of a transient merchant's license. A transient merchant selling merchandise only in flea markets, craft fairs, fairs, carnivals, circuses, or similar activities regulated by city or county governments, fair associations, convention bureaus, other political subdivisions, or local trade organizations, is exempt from the requirements of sections 51-04-02 and 51-04-03.

SECTION 2. AMENDMENT. Section 51-04-03 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-04-03. License fee - Bond or cash surety - License issuance. An applicant for a transient merchant's license shall pay to the attorney general a license fee of ~~twenty-five~~ five hundred dollars and shall give a surety bond, or the deposit of cash in lieu thereof, which shall be not less than one thousand dollars nor more than fifty thousand dollars, the surety on which shall be a surety company authorized to transact business in the state of North Dakota. The contents and surety therein shall be subject to the approval of the attorney general, and be conditioned that the applicant will in all things conform to the laws relating to transient merchants and further conditioned upon full compliance with all material oral or written statements and representations made by the applicant, his agents, representatives, or auctioneers with reference to merchandise sold or offered for sale, and on faithful performance under all warranties made with reference thereto. The bond shall not be revocable nor terminate prior to

passage of two years' time after the expiration of the license issued pursuant thereto nor until due notice that the terms of the bond are to be canceled has been given to the attorney general.

No license shall be valid for more than one person unless he shall be a bona fide member of a copartnership. Licenses issued by the attorney general shall be valid in all counties of the state and shall expire after one year from the dates of their issuance.

No sale under the purview of this chapter shall be conducted in the name of any person other than the bona fide owner of the goods, wares, and merchandise.

The files and records of the attorney general pertaining to transient merchants shall be kept in convenient form and open for public inspection.

Approved March 29, 1985

CHAPTER 541

HOUSE BILL NO. 1107
(Committee on Industry, Business and Labor)
(At the request of the Public Service Commission)

TRUST ACCOUNTS OF LENDING INSTITUTIONS

AN ACT to amend and reenact section 51-05.1-05 of the North Dakota Century Code, relating to lending institutions maintaining trust accounts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 51-05.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-05.1-05. Handling of funds by clerk of auction sale. Every clerk of an auction sale shall, at all times, maintain in his name or firm name, a separate trust account designated as such in a federally insured bank or other federally insured depository in this state in which he shall immediately deposit all funds not his own, including funds in which he may have some future interest or claim. A federally insured depository located outside the state but licensed as a clerk in this state is not required to deposit funds in a depository in this state if auction sale funds are deposited in a separate trust account designated as such in the licensee's depository. No clerk shall commingle his personal funds or other funds in a trust account except that a clerk may deposit and keep a sum of one hundred dollars in such account from his personal funds, which sum shall be specifically identified and deposited to cover service charges related to the trust account. In conjunction with such account, he shall maintain at his usual place of business, books, records, and other documents so that the adequacy of such account may be determined at any time. Trust accounts and other records shall be open to inspection by the public service commission and its duly authorized agents at all times during regular business hours at the clerks usual place of business.

Approved March 14, 1985

CHAPTER 542

HOUSE BILL NO. 1420
(Representatives Whalen, Larson)
(Senators Parker, Reiten)

ITEM PRICING IN FOODSTORES

AN ACT to amend and reenact section 51-07-15 of the North Dakota Century Code, relating to item pricing of certain retail goods.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 51-07-15 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

51-07-15. Use of electronic or magnetic scanners in retail foodstores - Item pricing required - Exceptions - Penalty. Except as otherwise provided in this section, every retail ~~store~~ foodstore which uses electronic or magnetic scanners to read prices must clearly post the selling price of each item in Arabic numerals, by stamp, tag, label, or other conspicuous marking device. If a product is packaged for sale in quantities of more than one, the total price must be posted. The posting must be by a label securely affixed on each item or by a label posted on the shelf edge immediately below or above the item. Compliance with this section is not required for items not marked in accordance with a uniform products code or any similar marking system designed to be scanned by electronic or magnetic checkout equipment. Any person who violates this section is guilty of an infraction.

Approved March 27, 1985